

# CITY OF DURHAM | DURHAM COUNTY NORTH CAROLINA



# **Zoning Map Change Report**

**Meeting Date:** February 22, 2010

This item was continued from the February 9, 2009, March 12, 2009, and March 23, 2009 and referred back to staff at the August 10, 2009 Board of County Commissioner's meetings. A protest petition was submitted in opposition of this case on February 2, 2009 but was determined to be invalid. The School Impact-System Totals table in Section F.5 and the Water Supply Impacts table in Section F.6 have been modified to reflect the most up-to-date information.

	1		1		
Reference Name	New Middle Schoo Treyburn (Z080003		Jurisdiction	City and County	
	Proposed Zoning		Rural Residential (RR)		
Request	•			ent Residential	
	Existing Zoning		2.240 (PDR 2.240)		
1	Proposed Use		New middle school and city park		
	Existing Use		Vacant land		
	Tier		Suburban		
	Land Uga Dagigna	tion	Low Density Residential (4 DU/Ac or		
	Land Use Designation		less), Recreation/Open Space		
	Site Acreage		150.25		
<b>Site Characteristics</b>			Falls/Jordan – B (F/J-B) (partial) and		
	Overlays		Lake Michie/Little River – A (M/LR-		
			A) (partial)		
	River Basin		Neuse		
	<b>Drainage Basin</b>		Falls Lake		
Applicant	Durham Public Schools		Submittal Date	October 13, 2008	
Location	North of Snow Hill Road, west of Vintage Hill Parkway			arkway	
PINs	0835-01-29-3261, -	, -38-4685, -02-57-2763			
		Approval based on consistency with the			
	Staff	Comprehensive Plan and considering the			
		information contained in this report.			
		Approval, 14-0 on December 9, 2008. The			
		Planning Commission finds that the ordinance			
Recommendations/		request is consistent with the adopted			
Comments			mprehensive Plan. The Commission		
Comments	Commission	believes the request is reasonable and in the			
			public interest and recommends approval based		
		on the information in the staff report and			
		comments received during the public hearing.			
	DOST	No comment			
	BPAC	No comment			

## A. Summary

This is a request to change the zoning designation of a 150.25 acre site located north of Snow Hill Road, west of Vintage Hill Parkway, from PDR 2.240 to RR for the development of a new middle school and city park. Approximately 117 acres of this site is in the County's jurisdiction. The request is consistent with the future land use designation of the *Comprehensive Plan*.

# **B.** Site History

No recent zoning map change has been made for this property. The current zoning of the site was approved as part of Treyburn in 1985. The development plan associated with this site does not allow civic uses at this location and would remain effective should this request be denied.

#### C. Area Characteristics

This site is located north of Snow Hill Road and west of Vintage Hill Parkway; under both City and County jurisdiction (see Attachment 4). There is a 350 – 400 foot strip of RR zoning along the north side of Snow Hill Road which is mostly developed as single-family residential with lots ranging from approximately 0.7 to 2.0 acres. This site is adjacent and to the north side of this RR zone and is designated as PDR 2.240. The developed portions of this planned zoning district, referred to as Treyburn, have lot sizes that approximately range from 0.3 to 2.0 acres. There are several other subdivisions in this area.

The site is located within the Little River Corridor Open Space Plan (Lower Little River-Cabin Branch Creek Area) (see Attachment 5) and "characterized by flat, broad floodplains." The area consists of primarily undeveloped land that has been used for forestry and agriculture.

The Long Range Bicycle Plan, Map 4.4, shows a proposed Greenway and Future Road with Bicycle Lanes adjacent to the south of this site that extends east from North Roxboro Road and generally follows Snow Hill Road east and south.

The watershed overlay districts in this area are F/J-B and M/LR-A. A floodplain is present to the north of the site but does not directly impact this site.

Adjoining Uses, Zoning Districts and Overlays			
	Existing Uses	<b>Zoning Districts</b>	Overlays
North	Vacant	PDR 2.240	M/LR-A (partial) F/J-B (partial)
East	Vacant	PDR 2.240	F/J-B
South	Vacant	RR and RS-20	M/LR-A (partial) F/J-B (partial)
West	Single-family residential	PDR 2.240	M/LR-A

**Staff Analysis and Conclusion.** This 150.25 acre site is located in an area that has recently been subject to development pressure for residential and supporting uses; as evident by this application's proposed uses (Middle School and recreation facility). This trend has been noted in the Little River Corridor Open Space Plan by mention of Planned Facilities (Parks) and Recreation (Trails) as well as the Long

Range Bicycle Plan's greenway and proposed bicycle lanes. Development in this area ought to balance the need for new support facilities and develop with sensitivity given to other goals of the Little River Corridor Open Space Plan such as preservation of open space and wildlife corridors. Consideration of this balance of goals is encouraged upon consideration of the forthcoming Major Special Use Permit.

## D. Site Characteristics

This site is currently vacant and in the Neuse River Basin and Little River Corridor Open Space Plan (Lower Little River-Cabin Branch Creek Area). There are seven unimproved street stubs from Snow Hill Road that terminate on this property; there is street frontage east of Snowhill Drive and south and west of Vintage Hill Parkway. 2005 aerial photography shows the site as entirely tree covered with the exception of the 150-foot Duke Power easement that runs through the site northwest to southeast. The Little River Corridor Open Space Plan identifies this easement as an opportunity to "develop a cooperative partnership with Duke Power to enhance [this] electric transmission line easement for wildlife habitat between Roxboro Road and Snow Hill Road that runs through the Cabin Branch Creek Habitat Area and movement corridor" (p. 62). Property east of this easement is in the County's jurisdiction and the remainder is in the City. There are unregulated intermittent streams on the site.

There are no other identified environmental or physical constraints on this site.

**Staff Analysis and Conclusion.** There are no identified constraints that would prevent the site from being developed in accordance with applicable ordinance standards.

# E. Requested Zoning District Characteristics

RR (Residential Rural) – the RR district in the Suburban Tier is established to provide for agricultural activities and residential development on lots of at least 30,000 square feet. The regulations of this district are designed to discourage the development of urban services and to encourage the maintenance a rural character. Only single-family detached dwellings and manufactured homes shall be permitted. While RR is a residential district, certain nonresidential uses such as day care facilities and places of worship may be sought through a special use permit or other limited provisions of the ordinance.

Lake Michie/Little River District A (-M/LR-A) Watershed Protection Overlay and Falls/Jordan District B (-F/J-B) Watershed Protection Overlay – The purpose these overlay districts is to preserve the quality of the region's drinking water supplies through application of the development standards intended to protect the environment. In general, water supply protection will be accomplished by establishing and maintaining low intensity land use and development on land near the region's water supply rivers and reservoirs. Where high density development is desired, water supply protection will be accomplished through the use of engineered stormwater controls. The overall objective is to:

- Reduce the risk of pollution from stormwater running off of paved and other impervious surfaces; and
- Reduce the risk of discharges of hazardous and toxic materials into the natural drainage system tributary to drinking water supplies.

Residential Development Standards – RR				
	Code Provision	Minimum Maximum Pro		Proposed
Site Area (square feet)	6.2.1.A	30,000	N/A	6,544,890

**Staff Analysis and Conclusion.** The proposed zoning district would allow the applicant's proposed uses, subject to approval of a minor special use permit from the Board of Adjustment. If the RR zone was approved and the applicant chose not to develop as proposed, this zone allow for the least dense of all of our development categories and a conservation subdivision would be encouraged. Downzoning to RR in the Suburban Tier would allow residential development at a maximum of 1.4 single-family DU/Ac (up to 2 single-family DU/Ac if developed as a conservation subdivision). Other uses are permitted in the RR district subject to limitations and approvals according to UDO, Table 5.1.2, Use Table. Other non-residential uses include, but is not limited to, agriculture, government facilities, parks and outdoor recreation, and utilities. Under either scenario, there are no identified constraints that would prevent the site from being developed in accordance with applicable ordinance standards.

# F. Infrastructure Impacts

#### 1. Road Impacts

Snow Hill Road is the major road impacted by the proposed request. NCDOT TIP project U-4721 proposes the construction the Northern Durham Parkway through a substantial portion of this site. The cross-section and exact alignment for this improvement has yet to be determined; and the project is currently unfunded through 2012.

Road Impacts		
Affected Segments	Snow Hill Road	
Roadway Capacity (LOS D) (AADT)	11,700	
Latest Traffic Volume (AADT)	2,700	
Traffic Generated by Present Designation	3,179	
(average 24 hour)*		
Traffic Generated by Proposed Designation	1,740	
(average 24 hour) **	1,740	
Impact of Proposed Designation	Decrease of daily trips by 1,439	

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2002)

Snow Hill Road: 2-lane major city/county roadway without left-turn lanes

Source of Latest Traffic Volume: 2007 NCDOT Traffic Count Map

## 2. Transit Impacts

Transit service is currently provided within one quarter mile of the site along Snow Hill Road via DATA Route #17.

## 3. Utility Impacts

The site will be served by public sewer and water.

## 4. Drainage/Stormwater Impacts

The impacts of any change will be assessed at the time of site plan submittal.

## 5. School Impacts

The proposed request if not developed as a middle school, could generate 60 students if approved and developed as residential. This is 56 fewer students than the site could currently generate. The schools that could potentially serve this site are Little River Elementary, Chewning Middle School and Northern High School.

<sup>\*</sup>Assumption- (Max Use of Existing Zoning) – PDR 2.24: 337 single family lots

<sup>\*\*</sup> Assumption- (Max Use of Proposed Zoning) – RR: 175 single family lots

School Impacts – System Totals				
	Elementary School	Middle School	High School	
<b>Current Building Capacity</b>	16,273	7,795	9,859	
Maximum Building Capacity (LOS) - 110% of capacity	17,900	8,575	10,845	
20 <sup>th</sup> Day Attendance (2009-10 School Year)	16,055	6,530	9,844	
Committed to date (January 2007 – December 2009)	(62)	(46)	(251)	
Available Capacity	1,907	2,091	1,252	
Potential Students Generated - Current Zoning*	51	27	38	
Potential Students Generated - Proposed Zoning**	26	14	20	
Impact of Rezoning	-25	-13	-18	

<sup>\*</sup>Assumption- (Max Use of Existing Zoning) – PDR 2.24: 337 single family lots

## 6. Water Supply Impacts

Development allowed with the proposed zoning map change is estimated to generate a demand for water of 27,125 gallons per day (GPD). This represents an decrease of 25,110 GPD from what development with the present zoning will allow.

Water Supply Impacts			
<b>Current Water Supply Capacity</b>	37.00 MGD		
Present Usage	26.64 MGD		
Committed to Date (January 2007 to December 2010)	1.44 MGD		
Available Capacity	8.92 MGD		
<b>Potential Water Demand Under Present Zoning</b>	52,235 GPD		
<b>Potential Water Demand Under Proposed Zoning</b>	27,125 GPD		
Impact of Zoning Map Change	-25,110 GPD		

<sup>\*</sup>Assumption- (Max Use of Existing Zoning) – PDR 2.24: 337 single family lots

**Staff Analysis and Conclusion.** Infrastructure is available to serve development pursuant to the zoning map change.

<sup>\*\*</sup> Assumption- (Max Use of Proposed Zoning) – RR: 175 single family lots

<sup>\*\*</sup> Assumption- (Max Use of Proposed Zoning) – RR: 175 single family lots

# G. Plan Consistency

Plan Requirements				
Comprehensive Plan	Policy	Requirement(s) (LOS = Level of Service)	Consistent	
	Future Land Use Map	Low Density Residential (4 DU/Ac or less), Recreation/Open Space	Yes	
	2.2.2b	Demand for Residential Land	Yes	
	8.1.2m	Transportation LOS	Yes	
	9.4.1a	Water Quantity/Quality LOS	Yes	
	10.1.4h	Parks and Open Space Plan Implementation	Yes	
	11.1.1a	School LOS	Yes	

**Staff Analysis and Conclusion.** The proposed zoning map change request is consistent with the applicable policies and Future Land Use Map of the *Comprehensive Plan*.

#### H. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Durham Justice & Fairness Inter-Neighborhood Association
- Inter-Neighborhood Council
- Friends of Durham
- Partners Against Crime District 2

## I. Recommendations

Staff recommends approval based on consistency with the *Comprehensive Plan*, and considering the information provided in this report.

Planning Commission recommends approval. The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report and comments received during the public hearing.

# J. Draft Summary Minutes of the Planning Commission December 9, 2008 (Case Z0800034)

**Location:** North of Snow Hill Road, west of Vintage Hill Parkway

**Request:** PDR 2.240 to RR

Staff Recommendation: Approval. Ms. Wolff presented the staff report.

**Public Hearing**: Chair Brine opened the public hearing. One person spoke in favor of the request, no one spoke in opposition. Chair Brine closed the public hearing.

**Commission Discussion:** Commission discussion centered around the alignment of Northern Durham Parkway, traffic impact, and having access to the parks from the area.

**Findings**: The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report and comments received during the public hearing.

**Motion**: Approval, (Ms Mitchell-Allen, Ms. Giles 2<sup>nd</sup>)

Action: Motion carried, 14-0.

# K. Staff Contact

Amy Wolff, Planner, 560-4137 ext 28235 or amy.wolff@durhamnc.gov

# L. Applicant Contact

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#### M. Attachments

- 1. Context Map
- 2. Future Land Use Map
- 3. Aerial Photograph
- 4. Area Characteristics Map
- 5. Little River Corridor Open Space Plan
- 6. Application
- 7. Planning Commissioner's Written Comments
- 8. Ordinance Form